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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,061	11/17/2003	Eric E. Blouin	RPS920030195US1	4784
47052	7590	01/13/2005		
SAWYER LAW GROUP LLP PO BOX 51418 PALO ALTO, CA 94303				
			EXAMINER BAHTA, KIDEST	
			ART UNIT 2125	PAPER NUMBER

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicant(s)

10/716,061

Applicant(s)

BLOUIN ET AL.

Examiner

Kidest Bahta

Art Unit

2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 is a method claim with no steps.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.
4. Claims 1-9 and 17-20 are rejected under 35 U.S.C. 101 because the language of the claims 1-9 and 17-20 raises a question as to whether the claimed method is directed merely to an abstract idea that is not tied to a technological art, environment, or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 USC 101.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Stubbs et al. (U.S. Patent 5,136,705).

Regarding claims 1 and 10, Stubbs discloses a plurality of system under test (SUTs) (Fig. 16, elements R16, R18 and R20); at least one server networked to the plurality of SUTs (Fig. 16 and Fig. 19), a local control system (50, computer) coupled to the plurality of SUTs (Fig. 1) and networked to the at least one server (Fig. 16 and Fig. 19), wherein the at least one server and the local control system utilize a hierarchical definition language with run-time control capability to represent and control a manufacturing process for the plurality of SUTs in unified manner (column 2, lines 46-48; column 5, lines 5-22, column 5, lines 65-67; Fig. 21 and Appendix A and B).

Regarding claims 2-4, 11-13 and 17, Stubbs discloses a state file (data flow) including blocks sub-blocks, tasks, and containers for run-time information (Fig. 2A, Fig. 14, Fig. 22); a sequencer tool for interacting with the state file to direct tasks of the state file, monitor task completion and update the state file with real-time control information (column 8, lines 8-11; column 16, lines 4-14); the listener tool for interacting with the sequencer tool to start task, monitor task, and send task results to the sequencer tool (column 5, lines 42-46; column 8, line 38-column 9, lines 4; Fig. 2B, Abstract).

Regarding claims 5, 14 and 18, Stubbs discloses a messaging protocol to support communication between the sequencer tool and the listener tool, the messaging protocol including unique identifiers and return code for each task (column 8, lines 35-41).

Regarding claim 6, Stubbs discloses the sequencer tool on a local control station in the manufacturing environment (column 14, lines 58-60).

Regarding claims 7, 15 and 20, Stubbs discloses state file in a machine-type-serial number directory of the local server coupled the local control station (column 12, line 38-column 13, line 10; Fig. 1).

Regarding claim 8, Stubbs discloses the listener tool on at least a plurality of SUTs coupled to the local control station (column 7, lines 60-65; Fig. 1, Fig. 16; Fig. 19).

Regarding claims 9, 16 and 19, Stubbs discloses the state files in XML (column 2, line 46-48; column 5, lines 65-67).

Response to Arguments

7. Applicant's arguments filed 10/26/2004 have been fully considered but they are not persuasive and further consideration, a new ground(s) of rejection is made under 35 U.S.C.101.

Regarding claim 10, Applicant argues Stubbs fails to disclose that a plurality of USTs. However, Examiners disagree since Stubbs discloses more than one SUT (Fig. 16 element R16, R18 and R20).

Conclusion

8. Any inquiry concerning communication or earlier communication from the examiner should be directed to Kidest Bahta, whose telephone number is (703) 308-6103. The examiner can normally be reached on M-F from 7:30 a.m. to 4:00 p.m. EST. If attempts to reach the examiner by phone fail, the examiner's supervisor, Leo Picard, can be reached (703) 308-0538. Additionally, the fax phone for Art Unit 2125 is (703)

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872-9306. Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist at (703) 305-9600.

Kidest Bahta



January 6, 2006